

By: Representative Wilson

To: Medicaid

HOUSE BILL NO. 1056

1 AN ACT TO AMEND SECTION 43-13-117.1, MISSISSIPPI CODE OF
 2 1972, TO DIRECT THE DIVISION OF MEDICAID TO MAKE APPLICATION FOR
 3 AN ELDERLY OR DISABLED WITH CONSUMER DIRECTION WAIVER TO ALLOW THE
 4 DIVISION TO PROVIDE FOR COVERAGE OF CONSUMER-DIRECTED PERSONAL
 5 CARE SERVICES THAT ARE APPROPRIATE AND MEDICALLY NECESSARY TO
 6 MAINTAIN INDIVIDUALS IN THEIR HOMES; TO SPECIFY THE CRITERIA FOR
 7 ELIGIBILITY TO RECEIVE THOSE SERVICES AND THE CRITERIA TO QUALIFY
 8 AS A CONSUMER-DIRECTED EMPLOYEE; TO PROVIDE THAT CONSUMER-DIRECTED
 9 EMPLOYERS AND EMPLOYEES SHALL BE RESPONSIBLE FOR COMPLETING AND
 10 SUBMITTING TIMESHEETS AND OTHER REQUIRED DOCUMENTATION; TO REQUIRE
 11 THAT INDIVIDUALS RECEIVING CONSUMER-DIRECTED PERSONAL CARE
 12 SERVICES MUST RECEIVE SUPPORT FROM A CONSUMER-DIRECTED SERVICES
 13 FACILITATOR, WHO WILL ASSIST THE INDIVIDUAL OR HIS OR HER
 14 FAMILY/CAREGIVER AS THEY BECOME EMPLOYERS FOR CONSUMER-DIRECTED
 15 SERVICES; TO SPECIFY THE FUNCTIONS OF THE SERVICES FACILITATOR AND
 16 REQUIRE THE SERVICES FACILITATOR TO MAKE A HOME VISIT TO CONDUCT
 17 AN INITIAL ASSESSMENT BEFORE THE START OF CARE FOR ALL INDIVIDUALS
 18 REQUESTING SERVICES; TO REQUIRE THE SERVICES FACILITATOR TO MAKE
 19 SUPERVISORY VISITS AS OFTEN AS NEEDED TO ENSURE BOTH QUALITY AND
 20 APPROPRIATENESS OF SERVICES; AND FOR RELATED PURPOSES.

21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

22 **SECTION 1.** Section 43-13-117.1, Mississippi Code of 1972, is
 23 amended as follows:

24 43-13-117.1. (1) It is the intent of the Legislature to
 25 expand access to Medicaid-funded home- and community-based
 26 services for eligible nursing facility residents who choose those
 27 services. The Executive Director of the Division of Medicaid is



28 authorized to transfer funds allocated for nursing facility
29 services for eligible residents to cover the cost of services
30 available through the Independent Living Waiver, the Traumatic
31 Brain Injury/Spinal Cord Injury Waiver, the Elderly and Disabled
32 Waiver, and the Assisted Living Waiver programs when eligible
33 residents choose those community services. The amount of funding
34 transferred by the division shall be sufficient to cover the cost
35 of home- and community-based waiver services for each eligible
36 nursing facility * * * resident who * * * chooses those services.
37 The number of nursing facility residents who return to the
38 community and home- and community-based waiver services shall not
39 count against the total number of waiver slots for which the
40 Legislature appropriates funding each year. Any funds remaining
41 in the program when a former nursing facility resident ceases to
42 participate in a home- and community-based waiver program under
43 this provision shall be returned to nursing facility funding.

44 (2) The Division of Medicaid shall make application to the
45 Centers for Medicare and Medicaid Services (CMS) under Section
46 1915(c) of the federal Social Security Act for an Elderly or
47 Disabled with Consumer Direction Waiver (EDCD Waiver) to allow the
48 division to provide for coverage of consumer-directed (CD)
49 personal care services that are appropriate and medically
50 necessary to maintain individuals in their homes. In order to
51 qualify for personal care services under this subsection (2), the
52 individual must demonstrate a need in activities of daily living,



53 reminders to take medication, or other medical needs, or
54 monitoring health status or physical condition. Individuals
55 receiving consumer-directed personal care services must meet the
56 requirements for consumer direction as provided in subsections
57 (3), (4) and (5) of this section and receive support from a CD
58 services facilitator as provided in subsection (6) of this
59 section.

60 (3) Individuals who are eligible for consumer-directed
61 personal care services must have the capability to hire, train and
62 fire their consumer-directed employees and supervise the
63 employee's work performance. If an individual is unable to direct
64 his or her own care or is younger than eighteen (18) years of age,
65 a family/caregiver may serve as the employer on behalf of the
66 individual.

67 (4) Each consumer-directed employee must have the required
68 skills to perform services as specified in the individual's plan
69 of care, and may not be the parents of individuals who are minors
70 or the individual's spouse. Family members who are approved to be
71 reimbursed for providing this service must meet the qualifications
72 required by the division.

73 (5) Consumer-directed employers and employees shall be
74 responsible for completing and submitting timesheets and other
75 documentation required by the division through the CD services
76 facilitator.



77 (6) (a) Individuals receiving consumer-directed personal
78 care services must receive support from a CD services facilitator,
79 who will assist the individual or his or her family/caregiver, as
80 appropriate, as they become employers for consumer-directed
81 services. If the CD services facilitator is not a registered
82 nurse, the CD services facilitator must inform the primary health
83 care provider that services are being provided and request skilled
84 nursing or other consultation as needed.

85 (b) The functions of the CD services facilitator
86 include providing the individual or his family/caregiver, as
87 appropriate, with management training, and routine visits to
88 monitor the employment process. The CD services facilitator shall
89 assist the individual/employer with employer issues as they arise.

90 (c) The CD services facilitator must make a home visit
91 to conduct an initial assessment before the start of care for all
92 individuals requesting services. The CD services facilitator must
93 make supervisory visits as often as needed to ensure both quality
94 and appropriateness of services, with the minimum frequency of
95 those visits being every thirty (30) to ninety (90) calendar days
96 depending on individual needs.

97 (7) The division shall adopt such regulations as may be
98 necessary to fully implement the EDCD Waiver.

99 **SECTION 2.** This act shall take effect and be in force from
100 and after July 1, 2018.

